



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
 )  
James A. Cox et al. )  
 )  
Serial No: 10/028,437 ) Art Unit  
 ) 2821  
Filed: December 28, 2001 )  
 )  
For: VERTICAL CAVITY SURFACE EMITTING LASER )  
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 )  
Examiner: Hung T. Vy )

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE


Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communication mailed on January 27, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Respectfully submitted,

Dated: April 27, 2005

By:   
ERIC L. MASCHOFF  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913

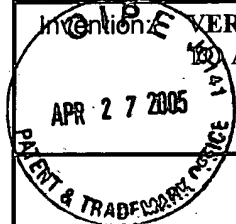
TRANSMITTAL OF PAYMENT OF ISSUE FEE (Large Entity)  
(37 C.F.R. 1.311)

Docket No.  
15436.437.3

Applicant(s): James A. Cox et al.

Application No. 10/028,437	Filing Date December 28, 2001	Examiner Hung T. Vy	Customer No. 022913	Group Art Unit 2821	Confirmation No. 4433
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Invention: VERTICAL CAVITY SURFACE EMITTING LASER HAVING A GAIN GUIDE APERTURE INTERIOR  
AN OXIDE CONFINEMENT LAYER



Mail Stop Issue Fee  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith are the following for the above-identified application.

- ☒ Issue Fee Transmittal Form PTOL-85
- ☒ Utility Fee: \$ 1400.00 ☐ Design Fee: ☐ Plant Fee:
- ☒ Publication Fee: \$ 300.00
- ☐ A check in the amount of is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☒ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Eric L. Maschoff*

Signature

ERIC L. MASCHOFF  
Registration No.: 36,596

Dated: April 27, 2005

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): James A. Cox et al.

Docket No.

15436.437.3

Application No.

10/028,437

Filing Date

December 28, 2001

Examiner

Hung T. Vy

Customer No.

022913

Group Art Unit

2821

Invention:

VERTICAL CAVITY SURFACE EMITTING LASER HAVING A GAIN GUIDE APERTURE INTERIOR  
TO AN OXIDE CONFINEMENT LAYER

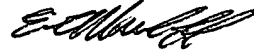
APR 27 2005

I hereby certify that the following correspondence:

Payment of Issue Fee Transmittal Letter (1 pg., in triplicate); Issue Fee Transmittal Form PTOL-85 (1 pg., in duplicate); Comments on Statement of Reasons for Allowance (1 pg.); PTO-2038 Credit Card Form in the amount of \$1,703.00 (1 pg.); postcard; and Certificate of Express Mailing Label No. EV 627 626 466 US.

*(Identify type of correspondence)*

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April 27 2005*(Date)***ERIC L. MASCHOFF***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 627 626 466 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**